IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 29TH NOVEMBER 2006 / 8TH AGRAHAYANA 1928

WP(C).No. 31671 of 2006(U)

PETITIONER:

SADDIQUE ALI, AGED 42 YEARS,
S/O. SULAIMAN, VANIYAPURAYIL HOUSE,
THODUPUZHA EAST P.O., KANJIKODE VILLAGE,
IDUKKI DISTRICT.

BY ADV. SRI.SASTHAMANGALAM S. AJITHKUMAR
SRI.RENJITH B.MARAR
SRI.DILEEP P.PILLAI
SMT.LAKSHMI.N.KAIMAL
SRI.T.K.SUJITH
SRI.V.SHYAMOHAN

RESPONDENTS:

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1. ASSISTANT REGISTRAR/
SPECIAL SALE OFFICER,
THODUPUZHA URBAN BANK GROUP CO-OPERATIVE SOCIETY.

2. THE THODUPUZHA URBAN CO-OPERATIVE BANK
LIMITED NO.394, THODUPUZHA, REPRESENTED BY
THE GENERAL MANAGER.

3. SHAHUL HAMEED,
MANGATTIL VEEDU, KEERIKODE.

4. B.RADHAKRISHNA PILLAI,
EARTHADATHIL HOUSE, KARIKODE,
THODUPUZHA EAST P.O.

5. K.J.DEVASSIA,
KURAVAKATTU HOUSE, KARIKODE KARA,
THODUPUZHA EAST P.O.

6. MARIYAKUTTY ULAHANNAN,
W/O. ULAHANNAN, PADINJAREKUDIYIL HOUSE,
KARIKODE, THODUPUZHA EAST P.O.

7. JOHNSON BABY,
MATTAPPILLIL HOUSE, KARIKODE KARA,
THODUPUZHA EAST P.O.

BY GOVERNMENT PLEADER SRI. P.N. SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.M.JAMES, J.

W.P.(C). 31671/2006

Dated this 29th day of November, 2006

JUDGMENT

The writ petitioner alleges that he had purchased the property from the fourth respondent, under Ext.P1 sale deed in the year 2004. Exts.P3 and P4 are the encumbrance and tax receipt respectively, of the property extending 12 cents covered under Ext.P1. However, the same is brought under public auction by the respondents 1 and 2, and the sale is scheduled to be held on 30.11.2006 at 11.00 a.m.

2. The learned counsel raised various contentions mainly that the property brought under sale by the respondents 1 and 2 are not covered under the extend of the property mortgaged by the third respondent, Shahul Hameed, who sold it to the fourth respondent.

3. I had already disposed of W.P.(C). No,31568/2006, in which eight cents of the property purchased from the third respondent, Shahul Hameed, is

WW 31671 2006 also brought under sale.

4. Without entering into any discussion on the merit of the matter, I direct the writ petitioner to approach the appropriate forum and raise all his contentions, so that his grievance could be redressed.

5. As I had already directed the respondents 1 and 2 to put off the public auction of the properties covered under the sale notice issued by the first respondent, Special Sale Officer, the property owned by the writ petitioner shall also not to be sold through the public auction, for a period of ten days.

6. If no order is obtained and produced before the respondents 1 and 2 from the appropriate authority concerned, the respondents 1 and 2 shall proceed with the auction of the properties, as per the law and procedure.

The writ petition is disposed of as above.

Hand over the order today itself.

J.M.JAMES
JUDGE

mrcs